

**Minutes of the regular meeting of the Village of Williamsville Board of Trustees held in Williamsville Village Hall, 5565 Main Street, Williamsville, New York, on Monday, April 27, 2009 at 7:30 p.m.**

The meeting was opened at 7:30 p.m. with the Pledge of Allegiance led by Mayor Lowther.

Present: Mary E. Lowther, Mayor  
Brian J. Geary, Trustee  
Brian J. Kulpa, Trustee  
Jeffrey L. Kingsley, Trustee  
Basil J. Piazza, Trustee

Charles D. Grieco, Village Attorney  
Lynda L. Juul, Administrator/Clerk-Treasurer  
Judith A. Kindron, Deputy Treasurer  
Marc Shuttleworth, DPW Crew Chief

**ON MOTION** by Mayor Lowther, seconded by Trustee Kingsley, it was moved to approve the minutes of the regular meeting held on April 13, 2009.

Unanimously carried.

**ON MOTION** by Mayor Lowther, seconded by Trustee Kingsley, it was moved to approve the minutes of the public hearing for the 2009-2010 General Fund/Glen Park Activities/Debt Service Budget held on April 13, 2009.

Unanimously carried.

**ON MOTION** by Mayor Lowther, seconded by Trustee Piazza, it was moved to approve the minutes of the public hearing for the 2009-2010 Sewer Fund Budget /Sewer Rent Rates held on April 13, 2009.

Unanimously carried.

**ON MOTION** by Mayor Lowther, seconded by Trustee Kingsley, it was moved to approve the minutes of the public hearing for the 2009-2010 Water Fund Budget held on April 13, 2009.

Unanimously carried.

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**ON MOTION** by Mayor Lowther, seconded by Trustee Kingsley, it was moved to open the public participation portion of the meeting.

Unanimously carried.

*The members of the audience who addressed the Board and their topics:*

*Al and Diane WeisMain, 196 Reist St. – Disrepair of 188 Reist St.*

*Bruce Benson, 207 N. Harvest – Mill Restoration/Planning Session; Public and private partnership of the Mill.*

*Josh KorMain, Williamsville Business Association – Parking on E. Spring St.; Not in favor of 2-hour parking limitation.*

**ON MOTION** by Mayor Lowther, seconded by Trustee Piazza, it was moved to close the public participation portion of the meeting.

Unanimously carried.

**Report – Mayor Lowther**

*Mayor Lowther reported on the following topics: NYCOM Main Street Conference of 4/30/09; Interviews for Secretary to the Mayor position.*

**ON MOTION** by Mayor Lowther, seconded by Trustee Piazza, the following resolution was adopted:

**RESOLVED**, that payroll and vouchers in the amount of **\$101,333.86**, covering the period from **3/30/09** to **4/22/09**, are hereby approved as follows:

**Payroll covering: 3/30/09 – 4/12/09:** \$28,234.03

**Vouchers covering: 4/9/09 – 4/22/09:**

General Fund	\$63,960.33
Water Fund	\$329.90
Sewer Fund	\$135.78

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Glen Park Fund	\$264.86
Trust & Agency Fund	\$8,408.96
Debt Service	\$0.00
Community Development	\$0.00
Capital Fund	\$0.00
	<b>\$73,099.83</b>

**GRAND TOTAL: \$101,333.86**

Unanimously carried.

**ON MOTION** by Mayor Lowther, seconded by Trustee Piazza, the following resolution was adopted:

**RESOLVED**, that the following *budget transfers* are hereby made in the *General Fund* for the **2008-2009** fiscal year:

To:	001-5110-4161-0917 (Street Maint./Repairs-1998 Int'l)	\$17.00
From:	001-5110-4161-0901 (Street Main./Repairs-Unit 901)	\$17.00
To:	001-5110-4161-906 (Street Maint./Repairs-2003 Ford F550)	\$2.00
From:	001-5110-4161-916 (Street Maint./Repairs2007 Chevy 4x4)	\$2.00
To:	001-5142-4290 (Snow Removal-Salt)	\$11,876.00
From:	001-5110-2000 (Street Maint./Repairs-Equipment)	\$1300.00
	001-5110-4161-901 (Street Maint./Repairs-2001 Impala)	\$300.00
	001-5110-4161-903 (Street Maint./Repairs-1994 Int'l)	\$500.00
	001-5110-4161-904 (Street Maint./Repairs-1990 Int'l)	\$500.00
	001-5110-4161-907 (Street Maint./Repairs-1992 Autocar)	\$376.00
	001-5110-4161-908 (Street Maint./Repairs-1998 Ford F150)	\$500.00
	001-5110-4161-912 (Street Maint./Repairs-1994 John Deere HI-Lift)	\$500.00
	001-5110-4161-916 (Street Maint./Repairs-2007 Chevy 4x4)	\$300.00
	001-5110-4161-919 (Street Maint./Repairs-2007 Chevy 4x4)	\$300.00
	001-5110-4161-920 (Street Maint./Repairs-1992 John Deere Backhoe)	\$500.00
	001-5110-4161-921 (Street Maint./Repairs-2008 Ford F250)	\$500.00
	001-5110-4272 (Street Maint.-Blacktop/Oil/Stone Repair)	\$2000.00
	001-5110-4273 (Sidewalks)	\$4000.00
	001-5110-4610 (Physicals/Eye Exams/Safety Glasses)	\$300.00
To:	001-3310-4450 (Traffic Control-Misc.)	\$37.00
From:	001-3310-4231 (Traffic Control/Signs-Misc.)	\$37.00

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To:	001-7310-4174 (Youth Programs-Easter Egg Hunt)	\$65.00
From:	001-7310-4175 (Youth Programs-Movies in the Park)	\$59.00
	001-7310-4176 (Youth Programs-Hockey Tournament)	\$6.00
To:	001-1420-4450 (Law/Attorney-Misc.)	\$4000.00
From:	001-1990-4000 (Contingency)	\$4000.00
To:	001-1420-4620 (Law/Attorney-Opinions)	\$9130.00
From:	001-1990-4000 (Contingency)	\$9130.00
To:	001-1410-4061 (Village Clerk-Cellular Phone)	\$30.00
From:	001-1410-4060 (Village Clerk-Telephone)	\$30.00
To:	001-1640-4260 (Central Garage-Maint. Supplies)	\$52.00
From:	001-1640-4450 (Central Garage-Misc.)	\$52.00
To:	001-1640-4262 (Central Garage-Building Maint.)	\$17.00
From:	001-1640-4450 (Central Garage-Misc.)	\$17.00
To:	001-1640-4440 (Central Garage-Parts)	\$273.00
From:	001-1640-4450 (Central Garage-Misc.)	\$273.00
To:	001-7540-4100 (Williamsville Water Mill-Professional Fees)	\$6375.00
From:	001-7540-4160 (Williamsville Water Mill-Bldg. Repairs)	\$3502.00
	001-1990-4000 (Contingency)	\$2873.00
To:	001-8010-4030 (Zoning-Printing & Advertising)	\$51.00
From:	001-8020-4040 (Planning-Education Exp./Travel)	\$51.00
To:	001-8560-4160 (Shade Trees-Repairs)	\$30.00
From:	001-8560-4350 (Shade Trees-Maint.)	\$30.00
To:	001-1110-4010 (Village Justices-Office Supplies)	\$98.00
From:	001-1110-4020 (Village Justice-Postage)	\$98.00
To:	001-5142-1000 (Snow Removal-Personal Services)	\$3199.00
	001-8140-1000 (Storm Sewers-Personal Services)	\$712.00
	001-8560-1000 (Shade Trees-Personal Services)	\$1654.00
From:	001-7110-1000 (Parks-Personal Services)	\$5565.00

Unanimously carried.

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**ON MOTION** by Mayor Lowther, seconded by Trustee Geary, the following resolution was adopted:

**RESOLVED**, that the following *budget transfer* is hereby made in the *Water Fund* for the *2008-2009* fiscal year:

To:	006-8310-1000 (Water Administration-Personal Services)	\$116.00
From:	006-8340-1000 (Water Transmission-Personal Services)	\$116.00

Unanimously carried.

**ON MOTION** by Mayor Lowther, seconded by Trustee Piazza, the following resolution was adopted:

**RESOLVED**, that the following *budget amendment* is hereby made in the *General Fund* for the *2008-2009* fiscal year to account for a Grant received for the Village Hall patio – Contract #MO51111:

Increase:	001-0001-3090 (State Aid Grants)	\$6183.00
Increase:	001-1620-2020 (Buildings & Capital Improvements)	\$6183.00

Unanimously carried.

**ON MOTION** by Mayor Lowther, seconded by Trustee Piazza, the following resolution was adopted:

**RESOLVED**, that Administrator Lynda L. Juul and Deputy Treasurer Judith Kindron, are hereby authorized to attend the New York State GFOA Spring Seminar on May 14, 2009 in Castile, NY, at a cost not to exceed \$186.00, to be paid for by the Village of Williamsville.

Unanimously carried.

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**ON MOTION** by Mayor Lowther, seconded by Trustee Piazza, the following resolution was adopted:

**WHEREAS**, the tentative *General Fund Budget for the 2009-2010* fiscal year has been duly represented to the Village Board by the Budget Officer and a duly advertised public hearing has been held thereon.

**NOW, THEREFORE, BE IT RESOLVED**, pursuant to Section 5-508(4) of the Village Law, that the said tentative budget and the salaries and wages as stated in the Salary Schedule, are hereby adopted as the *General Fund Budget* for the Village of Williamsville, for the *2009-2010* fiscal year; and

**BE IT FURTHER RESOLVED**, that the General Fund tax rate effective June 1, 2009, is as follows:

\$4.1698 per \$1,000 of assessed value at 100% equalization

Roll Call:	Trustee Piazza	Yes
	Trustee Kulpa	Yes
	Trustee Kingsley	Yes
	Trustee Geary	No
	Mayor Lowther	Yes

Motion passed. 4 – 1.

**ON MOTION** by Mayor Lowther, seconded by Trustee Piazza, the following resolution was adopted:

**WHEREAS**, the tentative *Glen Park Fund Budget for the 2009-2010* fiscal year has been duly represented to the Village Board by the Budget Officer and a duly advertised public hearing has been held thereon.

**NOW, THEREFORE, BE IT RESOLVED**, pursuant to Section 5-508(4) of the Village Law, that the said tentative budget and the salaries and wages as stated in the Salary Schedule, are hereby adopted as the *Glen Park Fund Budget* for the Village of Williamsville, for the *2009-2010* fiscal year.

Unanimously carried.

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**ON MOTION** by Mayor Lowther, seconded by Trustee Piazza, the following resolution was adopted:

**WHEREAS**, the tentative *Debt Service Fund Budget for the 2009-2010* fiscal year has been duly represented to the Village Board by the Budget Officer and a duly advertised public hearing has been held thereon.

**NOW, THEREFORE, BE IT RESOLVED**, pursuant to Section 5-508(4) of the Village Law, that the said tentative budget is hereby adopted as the *Debt Service Fund Budget* for the Village of Williamsville, for the *2009-2010* fiscal year.

Unanimously carried.

**ON MOTION** by Mayor Lowther, seconded by Trustee Piazza, the following resolution was adopted:

**WHEREAS**, the tentative *Water Fund Budget for the 2009-2010* fiscal year has been duly represented to the Village Board by the Budget Officer and a duly advertised public hearing has been held thereon,

**NOW, THEREFORE, BE IT RESOLVED**, pursuant to Section 5-508(4) of the Village Law, that the said tentative budget and the salaries and wages as stated in the Salary Schedule, are hereby adopted as the *Water Fund Budget* for the Village of Williamsville, for the *2009-2010* fiscal year; and

**BE IT FURTHER RESOLVED**, that the Village water rates effective June 1, 2009, are as follows:

Inside Village	\$4.45	per \$1,000 gallons
Outside Village	\$6.68	per 1,000 gallons
Minimum Bill	\$17.80	per 0-4,000 gallons
Williamsville Central	\$5.56	per 1,000 gallons

Roll Call:	Trustee Piazza	Yes
	Trustee Kulpa	Yes
	Trustee Kingsley	Yes
	Trustee Geary	Yes
	Mayor Lowther	Yes

Motion passed. 5 - 0.

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**ON MOTION** by Mayor Lowther, seconded by Trustee Piazza, the following resolution was adopted:

**WHEREAS**, the tentative *Sewer Fund Budget for the 2009-2010* fiscal year has been duly represented to the Village Board by the Budget Officer and a duly advertised public hearing has been held thereon.

**NOW, THEREFORE, BE IT RESOLVED**, pursuant to Section 5-508(4) of the Village Law, that the said tentative budget and the salaries and wages as stated in the Salary Schedule, are hereby adopted as the *Sewer Fund Budget* for the Village of Williamsville, for the *2009-2010* fiscal year; and

**BE IT FURTHER RESOLVED**, that the *Sewer Rent Rates for the 2009-2010* fiscal year are hereby set as follows:

\$2.68 per 1,000 gallons of water consumed  
\$.91 per \$1,000 of assessed value at 100% equalization

Unanimously carried.

**Report – Trustee Kingsley**

- *Trustee Kingsley reported on the following topics: Youth & Recreation Committee sponsored youth hockey tournament; Williamsville Mill; Thanked Preservation Studio.*

**ON MOTION** by Trustee Kingsley, seconded by Trustee Piazza, the following resolution was adopted:

**WHEREAS**, the Village of Williamsville Youth and Recreation Committee is having its First Annual Youth Street Hockey Tournament to be held on May 30, 2009, from 9:30 AM to 3:00 PM, at the municipal parking lot behind Village Hall; and

**WHEREAS**, the Town of Amherst owns and maintains the municipal parking lot behind Village Hall;

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**NOW, THEREFORE, BE IT RESOLVED**, that the Village of Williamsville shall indemnify the Town of Amherst and hold it harmless from and against any loss, obligation, claim, liability, damage or other charge arising from or relating to the Youth & Recreation Committee's First Annual Youth Street Hockey Tournament, sponsored by the Village of Williamsville on the Town's real property, and the use of its general facilities and equipment; and

**BE IT FURTHER RESOLVED**, that the Village shall give the Town written notice of any claim or event known to it which does or may give rise to a claim by the Village against the Town based upon this agreement; such notice shall contain the nature and basis of such claim or event(s) and the amounts thereof, to the extent known; and

**BE IT FURTHER RESOLVED**, that in the event any claim, action, suit or proceeding is made or brought by third parties, with respect to which the Town may be entitled to indemnification hereunder, the Town shall give written notice of such claim, action, suit or proceeding, and all legal pleadings with respect thereto to the Village within such time as may be required by the Village to advise its insurers, if any, in a timely Manner of such claim, etc. or as otherwise may be reasonably necessary for the Village to defend such action, claim process or legal pleading; the Village shall have the right to assume the defense of any such claim or action; and

**BE IT FURTHER RESOLVED**, that the Village shall render to the Town such assistance as may be reasonably required and cooperate with the Town in good faith to insure the proper and adequate defense of any claim, action, suit or proceeding brought by any third party.

Unanimously carried.

**ON MOTION** by Trustee Kingsley, seconded by Trustee Piazza, the following resolution was adopted:

**WHEREAS**, The Village of Williamsville is considering entering into an encroachment license agreement with Coffee Culture, located at 5590 Main Street, Williamsville, New York 14221; and

**WHEREAS**, the property located at 5590 is adjacent to parcel with certain historical classifications and, as a result, the proposed action is listed as a Type I Action pursuant to SEQRA 6 NYCRR Part 617; and

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**WHEREAS**, the Village Board has discussed the environmental implications of this action, including Part 1 and 2 of the Full Environmental Form completed on April 27, 2009, in which no significant impacts were identified;

**NOW, BE IT RESOLVED**, the Village of Williamsville, as lead agency and the sole involved agency, hereby determines that the proposed Type I Action will not have a significant adverse effect on the environment and here issues the attached Negative Declaration of Significance.

Unanimously carried.

**ON MOTION** by Trustee Kingsley, seconded by Trustee Piazza, the following resolution was adopted:

**WHEREAS**, representatives from Coffee Culture, a business located at 5590 Main Street, Williamsville, New York, came before the Village Board on March 9, 2009 to discuss its outdoor seating proposal which included the construction and installation of a new sidewalk along the westerly boundary of the parcel of land on which 5590 Main Street is situated; and

**WHEREAS**, the Village Board directed the Planning Board to issue a determination with respect to Coffee Culture's design concept regarding its outdoor seating proposal; and

**WHEREAS**, the Planning Board heard the design concepts of Coffee Culture's outdoor seating proposal and issued a resolution regarding Coffee Culture's proposal at its meeting on April 6, 2009; and

**WHEREAS**, the Village of Williamsville Board duly discussed the issue of granting to Coffee Culture a license to encroach upon the public right of way for the purpose of constructing and operating an outdoor seating patio in exchange for an agreement by Coffee Culture to construct a new public sidewalk between the proposed patio and East Spring Street;

**NOW, THEREFORE, BE IT RESOLVED**, the Village of Williamsville hereby approves Coffee Culture's proposal provided that it adheres to the Village of Williamsville Planning Board April 6, 2009 resolution, receives any necessary variance(s) from the Zoning Board of Appeals, and provided that both parties execute an Encroachment License Agreement; and

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**BE IT FURTHER RESOLVED**, that, pursuant to Section 89-4 of the Village Code, the Village of Williamsville hereby authorizes Coffee Culture to construct and install a sidewalk along the westerly boundary of the parcel of land on which 5590 Main Street is situated provided that it is constructed and installed in a first class and workmanlike manner as well as in accordance with all applicable laws, regulations, ordinances, orders, and directives of governmental authorities or agencies; and

**BE IT FURTHER RESOLVED**, that the Mayor is authorized to execute the Encroachment License Agreement on behalf of the Village of Williamsville; and

**BE IT FURTHER RESOLVED**, that Encroachment License Agreement shall be effective upon the execution of a representative from Coffee Culture.

Unanimously carried.

**Report – Trustee Kulpa**

- *Trustee Kulpa reported on the following topic: Earth Day / Arbor Day.*

**ON MOTION** by Trustee Kulpa, seconded by Trustee Piazza, the following resolution was adopted:

**RESOLVED**, that the following persons are hereby appointed ***Election Inspectors*** for the regular Election of the Village of Williamsville to be held on June 16, 2009 at a rate of \$75.00 each to be paid by the Village of Williamsville:

**District #1: Village Hall – Activities Room**  
5565 Main Street  
Williamsville, New York 14221

**Inspectors:**

1. Eileen Wall, 27 Howard Ave. (Dist. #1 Chair)
2. Charlotte Jurek, 81 Evans St.
3. Jane Pangallo, 135 Los Robles
4. Barbara Wyse, 56 Coventry

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**District #2: Village Hall - Auditorium**

5565 Main Street  
Williamsville, New York 14221

**Inspectors:**

1. Alice McDonald, 37 Pasadena Place (District #2 Chair)
2. Ruth Berger, 283 Mill Street
3. June Cucinotta, 146 California Drive
4. Nancy Vanderlinde, 374 CadMain Dr.

**LET IT BE FURTHER RESOLVED**, that the following persons are hereby appointed as *Alternate Election Inspectors* for the Village Election to be held on June 16, 2009:

**Alternates:**

1. Sally Lennon, 55 Wellington Ct.
2. Maryann Krause, 6 E. Spring St.

**BE IT FURTHER RESOLVED**, that *Alice McDonald, 37 Pasadena Pl.*, is also appointed *ChairMain of the Election Inspectors*.

Unanimously carried.

**ON MOTION** by Trustee Kulpa, seconded by Trustee Geary, the following resolution was adopted:

**WHEREAS**, the Village Administrator has advertised for sealed bids for the Williamsville Meeting House Masonry Restoration project; and

**WHEREAS**, the sealed bids were opened on March 31, 2009 at 3:00 PM in Village Hall, 5565 Main Street, Williamsville, New York; and

**WHEREAS**, R. E. Kelley, Inc. submitted the low bid meeting all specifications;

**NOW, THEREFORE, BE IT RESOLVED**, that the contract for the Williamsville Meeting House Masonry Restoration project is hereby awarded to R. E. Kelley, Inc. for their low bid of \$42,783.00; and

**BE IT FURTHER RESOLVED**, that the Mayor is hereby authorized to sign the Standard Form of Agreement Between Owner and Contractor, as well as any other applicable paperwork pertaining to the contract.

Unanimously carried.

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**Report – Trustee Geary**

- *Trustee Geary reported on the following topics: Tree planting by Tree Board; Parks Committee.*

**ON MOTION** by Trustee Geary, seconded by Trustee Kingsley, the following resolution was adopted:

**RESOLVED**, that Fire Dept. members Chris Petrie, Richard Maddigan, Tim Petrie and Ed Lavery, are hereby authorized to attend Fire Expo 2009, in Harrisburg, PA, from May 14 – May 17, 2009, at a cost not to exceed \$994.00, to be paid for by the Village of Williamsville; and

**BE IT FURTHER RESOLVED**, that Hutchinson Hose will cover the cost of hotel and admission to Fire Expo 2009.

Unanimously carried.

**ON MOTION** by Trustee Geary, seconded by Trustee Piazza, the following resolution was adopted:

**RESOLVED**, that the Village of Williamsville Board of Trustees, acting as Fire Commissioners for the Village of Williamsville Fire Department, hereby confirms the election of the following Firematic Officers, effective May 1, 2009:

Christopher Petrie	Chief
David A. Kubiak	1 <sup>st</sup> Assistant Chief
Michael Measer	2 <sup>nd</sup> Assistant Chief

Unanimously carried.

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**Report – Trustee Piazza**

- *Trustee Piazza reported on the following topics: Beautification Committee Planting Day is 5/23; Earth Day; Household hazardous waste drop-off at ECC-North; Environmental Committee tips.*

**ON MOTION** by Trustee Piazza, seconded by Trustee Kingsley, the following resolution was adopted:

**RESOLVED**, that CRA Infrastructure & Engineering, Inc. is hereby authorized to draw specifications and perform engineering services in connection with the Floodgate Walkway Rehabilitation Project, at a cost not to exceed \$8,500.00, as per their proposal dated April 22, 2009.

Unanimously carried.

**ON MOTION** by Trustee Piazza, seconded by Trustee Geary, the following resolution was adopted:

**RESOLVED**, that the Mayor is hereby authorized to issue a *Mayor's Permit* to The Williamsville Farmers Market for the purpose of suspending a banner across Main Street at the Ellicott Creek Bridge for the following two-week periods: May 19 – June 2, 2009; August 28 - September 11, 2009; October 1 – October 15, 2009. Banner to read *“Farmers’ Market at the Williamsville Mill, Every Saturday Morning, Spring thru Fall”*.

Unanimously carried.

**ON MOTION** by Trustee Piazza, seconded by Trustee Kingsley, the following resolution was adopted:

**RESOLVED**, that the Mayor is hereby authorized to issue a *Mayor's Permit* to the Williamsville Rotary Club for the purpose of suspending a banner across Main Street at the Ellicott Creek Bridge for a two week period from June 11 - 25, 2009. Banner to read *“Williamsville Rotary/ Village of Williamsville Youth Committee Strawberry Social, Wednesday, June 24, 5-8pm, Island Park”*.

Unanimously carried.

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**ON MOTION** by Trustee Piazza, seconded by Trustee Geary, the following resolution was adopted:

**RESOLVED**, that the Mayor is hereby authorized to issue a *Mayor's Permit* to Williamsville/Amherst Old Home Days Organization for the purpose of suspending a banner across Main Street at the Ellicott Creek Bridge for a two week period from June 29 – July 13, 2009. Banner to read "*Williamsville – Amherst Old Home Days, July 7 – July 10, Island Park*".

Unanimously carried.

**ON MOTION** by Trustee Piazza, seconded by Trustee Kingsley, the following resolution was adopted:

**RESOLVED**, that the Mayor is hereby authorized to issue a *Mayor's Permit* to Williamsville Preservation Foundation for the purpose of suspending a banner across Main Street at the Ellicott Creek Bridge for a two week period from July 21 – Aug. 5, 2009. Banner to read "*Taste of Williamsville, August 4<sup>th</sup>, 11am – 9pm, Island Park*".

Unanimously carried.

**ON MOTION** by Mayor Lowther, seconded by Trustee Kingsley, it was moved to leave the regular agenda at 8:53 p.m. to open the Executive Session to discuss a legal matter.

Unanimously carried.

**ON MOTION** by Trustee Kingsley, seconded by Trustee Geary, it was moved to close the Executive Session and return to the regular agenda at 9:23 p.m.

Unanimously carried.

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**ON MOTION** by Trustee Kingsley, seconded by Trustee Kulpa, it was moved to adjourn the regular meeting at 9:25 p.m.

Unanimously carried.

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Lynda L. Juul

Administrator/Clerk-Treasurer